

REMARKS

This is in response to the Office Action mailed on April 17, 2006, in which all of the pending claims (1-5 and 7-10) were rejected under 35 U.S.C. § 102, and claim 10 was rejected under 35 U.S.C. § 103.

Telephone Interview Summary

The undersigned would like to thank the Examiner for the telephone interview conducted on June 9, 2006. In the telephone interview, the Examiner and the undersigned discussed proposed amendments to the claims, and it was agreed that the subject matter now contained in amended claim 1 distinguished over the prior art of record, and would be allowable.

Explanation of Amendments

With this Amendment, independent claim 1 is amended to explicitly recite what is meant by the terms "substantially wedge-shaped" in a longitudinal cross section. Specifically, amended claim 1 now recites an adjustable pillow "having a shape that slopes at an angle from a first thickness at a front end of the pillow to a second thickness at a back end of the pillow so as to be in a longitudinal cross section at least substantially wedge-shaped." This configuration is shown by example in several of the figures, and as can be seen in the examples, does not require that the slope angle be constant from the front of the pillow to the back of the pillow. The amended claim language clarifies that the adjustable pillow of the present invention has a slope from the front of the pillow to the back of the pillow, while the prior art of record does not disclose a pillow with such a slope.

Claim Rejections – 35 U.S.C. § 102

A. McCarty (USP 3,243,828)

Claims 1 and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by McCarty. In support of this rejection, the Examiner contended that McCarty disclosed "that the adjustable pillow is in longitudinal cross section at least substantially wedge-shaped (as shown in Figures 3 and 4)," in order to satisfy the element of claim 1 that recites "the adjustable pillow is in a longitudinal cross section at least substantially wedge-shaped."

With this Amendment, claim 1 is amended to recite an adjustable pillow having a shape that slopes at an angle from a first thickness at a front end of the pillow to a second thickness at a back end of the pillow so as to be in a longitudinal cross section at least substantially wedge-shaped. The McCarty patent does not disclose, teach or suggest such a configuration, and the rejection of amended claim 1 under 35 U.S.C. § 102(b) over McCarty should accordingly be withdrawn.

Claims 7-9 depend from claim 1, and are allowable therewith.

B. Seiler (USP 4,947,500)

Claims 1-5 and 7-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Seiler. The Examiner contended that "the adjustable pillow (4-9) [of Seiler] is in longitudinal cross section at least substantially wedge-shaped."

With this Amendment, claim 1 is amended to recite an adjustable pillow having a shape that slopes at an angle from a first thickness at a front end of the pillow to a second thickness at a back end of the pillow so as to be in a longitudinal cross section at least substantially wedge-shaped. The Seiler patent does not disclose, teach or suggest such a configuration, and the rejection of amended claim 1 under 35 U.S.C. § 102(b) over Seiler should accordingly be withdrawn.

Claims 2-5 and 7-10 depend from independent claim 1, and are allowable therewith. In addition, it is respectfully submitted that at least some of the combinations of features recited in claims 2-5 and 7-10 are also not disclosed, taught or suggested by the prior art of record, although this does not need

to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

Claim Rejections – 35 U.S.C. § 103

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McCarty in view of Buck (USP 5,953,777). As discussed above, McCarty does not disclose, teach or suggest all of the elements recited in amended independent claim 1. Buck does not remedy the deficiencies of McCarty in that regard (and is not cited for that purpose). Claim 10 depends from independent claim 1, and is allowable therewith.

New Claims

New claims 11-14 depend from amended independent claim 1, and are directed to novel features of various embodiments of the invention for adjusting the slope angle of the pillow. It is respectfully submitted that new claims 11-14 are in condition for allowance.

CONCLUSION

In view of the foregoing, all of the pending claims (1-5 and 7-14) are in condition for allowance. A Notice to that effect is respectfully requested.

The amendments submitted herewith are made in response to the citation of new prior art references in the final Office Action, and therefore could not have been presented earlier in prosecution of the application. Entry of this Amendment After Final is therefore appropriate under 37 C.F.R. 1.116.

Respectfully submitted,

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